



# FULBRIGHT & JAWORSKI L.L.P.

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2004 SEP -9 AM 10: 24

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September 2, 2004

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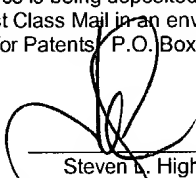
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OFFICE OF PETITIONS

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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-01450, on the date below:	
<u>September 2, 2004</u> Date	 Steven L. Highlander

## MAIL STOP ISSUE FEE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: *U.S. Serial No. 09/460,292 Entitled: "COMPOSITIONS AND METHODS OF MODULATING CHOLESTEROL METABOLISM" by Mangelsdorf et al.*  
(Client Ref. No. *UTSMC/DAL:596*)  
Our Ref. No.: *UTSD:596US*

Commissioner:

Please find enclosed:

1. An Issue Fee Transmittal form;
2. Notification of Change of Entity Status From Small to Large Entity Pursuant to 37 CFR § 1.27(g)(2);
3. A check for \$2,680.00; and
4. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

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**MAIL STOP ISSUE FEE**

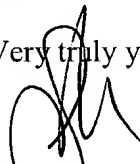
September 2, 2004

Page 2

2004 SEP -9 AM 10: 24

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/UTSD:596US/SLH.

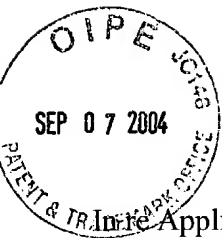
Very truly yours,



Steven L. Highlander

SLH/cpj

Encl: As noted



PATENT  
DIVISION

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 SEP -9 AM 10: 24

In re Application of:

David J. MANGELSDORF et al.

Serial No.: 09/460,292

Filed: December 10, 1999

For: COMPOSITIONS AND METHODS OF  
MODULATING CHOLESTEROL  
METABOLISM

Notice of Allowance

Date: 09/03/04

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Group Art Unit: 1615

SEP 09 2004

Examiner: J. Voitach

OFFICE OF PETITIONS

Atty. Dkt. No.: UTSD:596US/SLH

CERTIFICATE OF MAILING 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-01450, on the date below:	
September 2, 2004	Steven L. Highlander
Date	

**NOTIFICATION OF CHANGE OF ENTITY STATUS FROM SMALL  
TO LARGE ENTITY PURSUANT TO 37 CFR § 1.27(g)(2)**

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-01450

Sir:

Applicants hereby request a change of status from small entity to large entity for the above-identified application.

The issue fee in this case is due on September 3, 2004 and the form PTOL-85 indicates a small entity issue fee of \$665.00. Applicants' representative has recently received notification that Applicants are no longer entitled to claim small entity status for this application. Therefore, Applicants are submitting a large entity issue fee of \$1,330.00 concurrently herewith. The

change of status occurred on or about March 2001. This change occurred prior to receiving the Notice of Allowance.

2004 SEP -9 AM 10: 24

While reviewing the fees paid in this case, Applicants' representative noted that Applicants paid a small entity fee of \$55.00 for a one-month extension of time on May 7, 2001, along with the Response to the Office Action dated January 5, 2001, paid a small entity fee of \$215.00 for a one-month extension of time and a notice of appeal on December 13, 2001, paid a small entity fee of \$160.00 for a notice of appeal, and paid a small entity fee of \$210.00 for a two-month extension of time on October 31, 2003, along with the Second Amendment and Request for Reconsideration Under 37 CFR 1.116 dated September 25, 2003, when non-small entity fees should have been paid in all instances.

Therefore, pursuant to 37 C.F.R. § 1.28(c)(2)(i), Applicants submit herewith a check in the amount of \$2,680.00, which Applicants believe is the total amount of deficiency owed for the previous fees itemized below erroneously paid as a small entity:

Type of Fee	Date Submitted	Amount Paid/ Time of Filing (small entity)	Amount Due/ Current Date (large entity)	Amount of Deficiency Submitted Herewith
One-month extension	05/07/01	\$ 55.00	\$110.00	\$ 55.00
One-month extension And Notice of Appeal	12/31/01	\$215.00	\$440.00	\$225.00
Notice of Appeal	07/09/03	\$160.00	\$330.00	\$170.00
Two-month extension	10/31/03	\$210.00	\$420.00	\$210.00
TOTALS		\$640.00	\$1,300.00	\$660.00

In view of the above, Applicants' representative respectfully submits that the requirements of 37 CFR § 1.28 have been met and requests designation of this case as a non-small entity and acceptance of the fees submitted herewith.

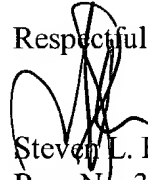
If the check is inadvertently omitted, or should any additional fees be required under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the enclosed materials, the Assistant

Commissioner is authorized to deduct said fees from Fulbright & Jaworski Deposit Account No.

50-1212/UTSD:596US/SLH.

2004 SEP -9 AM 10:24

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3184

Date: September 2, 2004